

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:24-CV-00003-KDB-DCK**

**CAROLINA DESTINATIONS,
LLC, STARSAIL ADVENTURES,
LLC, AVANTSTAY
SOUTHEAST, LLC,**

Plaintiffs,

v.

IREDELL COUNTY,

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiffs’ Motion for a Temporary Restraining Order and Preliminary Injunction (Doc. No. 5). This case arises out of a zoning text amendment enacted by the Iredell County Board of Commissioners on October 17, 2023, which imposed additional requirements on homeowners who lease their homes to others for short term vacation rentals (the “STR Ordinance”). *See* Doc. No. 1-2 at ¶ 1. Plaintiffs filed their suit against Defendant Iredell County in the Superior Court for Iredell County on December 22, 2023, alleging that the STR Ordinance violated both North Carolina and Federal law. *See id.* Defendants timely filed a notice of removal in this Court on January 4, 2024, and Plaintiffs filed the present motion on the same day. *See* Doc. Nos. 1, 5.

As part of their Reply brief, Plaintiffs attached a transcript from the Iredell County Superior Court showing that the contested STR Ordinance has already been enjoined by the state court and Defendant has publicly stated on its website that the zoning regulations will not be enforced pending final adjudication of the matter (due to the injunction). *See* Doc. Nos. 14-2, 14-5. The

Court therefore finds that Plaintiffs' Motion is moot in light of the existing injunction and will dismiss it without prejudice. Plaintiff may refile their motion if the state court lifts its injunction during the pendency of this case.

SO ORDERED.

Signed: February 26, 2024

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

